

Message Text

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C O N F I D E N T I A L NEW DELHI 11754

E.O. 11652: GDS
TAGS: PINT, PINR, IN
SUBJECT: BIO DATA: NANI ARDESHIR PALKHIVALA, AMBASSADOR-DESIG-
NATE OF INDIA TO US

REF: BOMBAY 1998 (NOTAL)

1. N. A. PALKHIVALA HAS LONG BEEN ONE OF INDIA'S TOP LAWYERS
AND LEADING BUSINESSMEN. IN RECENT YEARS, HE HAS BEEN ONE
OF THE FOREMOST DEFENDERS OF BASIC LIBERTIES, AND WAS OFTEN AT
PUBLIC ODDS WITH INDIRA GANDHI'S PROGRAM OF SUPPRESSING AND SUS-
PENDING FUNDAMENTAL RIGHTS.

2. PALKHIVALA'S OPPOSITION TO MRS. GANDHI'S REPRESSIVE MEASURES
HAD BEEN DRAMATIZED EARLIER BY HIS ACTION IN ABANDONING HIS ROLE
AS HER DEFENSE ATTORNEY IN HER ELECTION SUIT WHEN SHE DECLARED
THE EMERGENCY. A NOTED CONSTITUTIONAL LAWYER, HE EXPLAINED THAT
HAD TAKEN THE CASE BECAUSE IT HAD LEGAL MERIT AND HE HOPED THAT
BY WINNING IT HE COULD CONVINCE THE PRIME MINISTER THAT IT WAS
POSSIBLE TO ACHIEVE HER PROGRAM BY CONSTITUTIONAL MEANS.
WHEN HER DECLARATION OF EMERGENCY DESTROYED THIS THESIS, HE
WITHDREW WITH AVIGOROUS CONDEMNATION OF HER ATTACK ON THE
CONSTITUTION, NEVER AGAIN DEFENDED ANY OF HER GOVT'S ACTIONS IN
THE CIVIL RIGHTS AREA, AND ADOPTED AN OUTSPOKENLY ANTI-EMERGENCY
LINE WHICH LED MANY TO EXPECT HIS ARREST.

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3. PALKHIVALA'S EARLY DISTINCTIONS IN THE FIELD OF LAW WERE
WON IN THE TAX AREA, AND HE IS REGARDED AS INDIA'S LEADING TAX
LAWYER. HE IS THE AUTHOR OF THE STANDARD VOLUME ON INDIA'S
"LAW AND PRACTICE OF INCOME TAX". ALTHOUGH HE MAINTAINS HIS
POSITION AT THE APEX OF THE INDIAN LEGAL PROFESSION, HE HAS ACTUALLY
DEVOTED MOST OF HIS TIME TO BUSINESS AFFAIRS SINCE 1961, WHEN
HE BECAME A DIRECTOR OF THE TATA GROUP OF BUSINESS ENTERPRISES.

HE WAS ONCE CONSIDERED THE HEIR APPARENT TO THE TATA EMPIRE, BUT STRAINS IN HIS RELATIONSHIP WITH THE TATAS BROUGHT ON THE EMERGENCY SEEMINGLY ENDED THIS EXPECTATION AND DOUBTLESS CONTRIBUTED TO HIS WILLINGNESS TO ACCEPT THE WASHINGTON ASSIGNMENT.

4. BESIDES BEING A CONVINCED CIVIL LIBERTARIAN, PALKHIVALA IS ALSO AN ARDENT ADVOCATE OF THE FREE ENTERPRISE SYSTEM, THOUGH HIS VIEWS ARE TEMPERED BY A STRONG SOCIAL CONSCIENCE. HIS OPPOSITION TO GOVERNMENTAL ECONOMIC CONTROLS HAS WON HIM THE DEEP ENMITY OF INDIAN COMMUNISTS AND OTHERS ON THE LEFT. HE SEES NO HOPE FOR IMPROVING THE LOT OF INDIA'S MASSES WITHOUT MUCH FASTER ECONOMIC GROWTH AND BELIEVES THAT THIS GROWTH CAN ONLY BE ACHIEVED BY RELEASING THE LATENT ENERGIES OF INDIA'S ENTREPRENEURS.

5. PALKHIVALA HAS BEEN A FREQUENT VISITOR TO THE US OVER THE PAST 20 YEARS. HE IS GENERALLY SYMPATHETIC TO AMERICA AND PARTICULARLY TO OUR ECONOMIC SYSTEM. HE VIEWS HIS ASSIGNMENT TO WASHINGTON AS AN OPPORTUNITY TO REDRESS A FUNDAMENTAL IMBALANCE IN INDIAN FOREIGN POLICY BY MOVING INDIA AWAY FROM THE SOVIET UNION AND TOWARD THE US.

6. PALKHIVALA HAS ALSO HAD SOME EXPERIENCE IN INTERNATIONAL LAW AND HAS REPRESENTED INDIA BEFORE THE RANNOF KUTCH SPECIAL TRIBUNAL AND AT THE WORLD COURT IN ITS DISPUTE WITH PAKISTAN ON OVERFLIGHTS. ALTHOUGH NOT A TRAINED ECONOMIST, HE HAS LONG BEEN ONE

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OF THE MOST WIDELY SOUGHT AFTER SPEAKERS ON ECONOMIC SUBJECTS IN WESTERN INDIA. HIS ANNUAL REVIEW OF THE GOI BUDGET HAS BECOME A MAJOR EVENT IN BOMBAY.

7. PALKHIVALA WAS BORN ON JANUARY 16, 1920 INTO A HUMBLE PARSI "ZOROASTRIAN" FAMILY IN BOMBAY. HE IS MARRIED TO ANOTHER PARSI LAWYER. THEY HAVE NO CHILDREN. PALKHIVALA DRINKS MODERATELY AND HAS NO RELIGIOUS INHIBITIONS ON WHAT HE EATS. HIS HOBBIES ARE READING AND WRITING. HE IS ALSO A NOTED PHILANTHROPIST

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